

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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ROBERT LEE, a/k/a, OTIS NORTHROP,

Petitioner,

v.

Case No. 03-CV-72995-DT

DAVID JAMROG,

Respondent.

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**ORDER DISMISSING CASE AND DENYING  
PETITIONER'S "MOTION FOR EXTRAORDINARY WRIT"**

This matter is pending before the court on Petitioner's "Motion for Extraordinary Writ." Petitioner initiated this action on August 8, 2003, filing a *pro se* habeas corpus petition under 28 U.S.C. § 2241. He stated that he had been restrained against his will for an unreasonable amount of time without being charged. On August 21, 2003, the court dismissed the habeas petition without prejudice to Petitioner's right to renew his claim in a timely habeas corpus petition, following exhaustion of state remedies.

On April 7, 2006, Petitioner moved for permission to amend his habeas petition. The court did not immediately address the motion, and on July 6, 2006, Petitioner filed a new petition for the writ of habeas corpus. The new habeas case is pending before United States District Judge Paul D. Borman. See *Northrop v. Wolfenbarger*, No. 2:06-13081 (E.D. Mich.)

On December 15, 2006, this court granted Petitioner's motion to amend and ordered Petitioner to file his amended petition within twenty-one days. On December

28, 2006, Petitioner signed and dated the pending motion for an extraordinary writ.<sup>1</sup> He explains in the motion that he currently has a habeas petition pending before Judge Borman and that there is a high probability this case will become unnecessary to maintain. (1/4/07 Br. at 2.) He asks for “lee-way” so that he can litigate his case before Judge Borman and protect this court’s ability to administrate justice in this case. (*Id.*) The court agrees that it is no longer necessary to proceed with this action while Petitioner’s state conviction is under review by Judge Borman. Accordingly,

IT IS ORDERED that the “Petition for Writ of Habeas Corpus . . . ” [Dkt # 3] is DISMISSED without prejudice.

IT IS FURTHER ORDERED that Petitioner’s “Motion for Extraordinary Writ” [Dkt # 8] is DENIED as moot.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: April 10, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 10, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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<sup>1</sup> The motion was received by the Clerk of Court on January 3, 2007, and filed on January 4, 2007.